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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: John P. Atkinson, Dennis Hourcade, and Malgorzata Krych

SERIAL NO.: 08/126,505

GROUP ART UNIT: 1646

FILED: September 24, 1993

EXAMINER: L. Spector

FOR: MODIFIED CR1 ANALOGUES

Assistant Commissioner
of Patents
Washington, D.C. 20231

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**RESPONSE TO NOTICE OF DEFECTIVE APPEAL BRIEF
AND PETITION TO ENTER AMENDMENT**

Sir:

Responsive to the Notice of Defective Appeal Brief and Advisory Action mailed October 20, 1998, in the above-identified patent application, applicants hereby petition for entry and consideration of the Amendment mailed September 8, 1998.

Please note that the Appeal Brief does contain the claims as pending prior to entry of the Amendment, in Appendix I, and the arguments have been based on the claims as finally rejected, not as proposed to be amended. The Appeal Brief therefore should not have been rejected as defective.

The Amendment mailed with the Appeal Brief should have been entered. As noted in the Advisory Action, the examiner has no objection to the amendments to claims 1, 27 and 32. The amendments to claims 8, 9, 10 and 23-25 were refused on the basis that they raised new issues.


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These amendments do not raise new issues, however, because they substantially narrow the scope of the claims on appeal, as well as make them more definite. These amendments therefore would narrow issues on appeal. The amendments are to change the language regarding the amino acid sequence to make it more definite; not to alter the scope. As originally presented, the claims recited a specific amino acid sequence "or structurally similar amino acids selected from the group consisting of (I,L,V), (F/V), (K/R), (Q/N), (D/E), and (G/A)". As proposed to be amended, the claims recite a specific amino acid sequence "or those amino acid sequences where I is replaced with either L or V, L is replaced with either I or V, V is replaced with I, L, or F, F is replaced with V, K is replaced with R, R is replaced with K, Q is replaced with N, N is replaced with Q, D is replaced with E, E is replaced with D, G is replaced with A, or A is replaced with G". In response to the Examiner's query regarding whether all amino acids are replaced, please note the use of the term "or". With regard to claims 10 and 25, these claims are still pending, and therefore properly included in the appendix.

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Enclosed is a check for \$130 for consideration of this petition. The Commissioner is authorized to charge any other fees that may be due, or credit any overpayments, to our Deposit order Account 01-2507. A duplicate of this sheet is enclosed to facilitate processing.

Respectfully submitted,




Patrea L. Pabst
Reg. No. 31, 284

Dated: November 20, 1998
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CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.



Patrea L. Pabst

November 20, 1998